

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

DORETHA SHANTAE MCCLAIN  
602 EAST 7TH STREET  
COLUMBIA, TN 38401  
SSN XXX-XX-7567

CASE NO. 14-03939-RM1-13  
JUDGE RANDAL S MASHBURN

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS 5/22/2015.**

**IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: 6/19/2015 AT 9:00 AM 815 SOUTH GARDEN ,COLUMBIA, TN , 38401.**

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**NOTICE OF MOTION TO DISMISS FOR FAILURE OF DEBTOR(S) TO FUND PLAN**

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: MOTION TO DISMISS FOR FAILURE OF DEBTOR(S) TO FUND PLAN.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. Your response must state the deadline for filing response, the date of the scheduled hearing, and the motion to which you are responding .

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
[pleadings@ch13nsh.com](mailto:pleadings@ch13nsh.com)

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04/30/2015

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**MOTION TO DISMISS FOR FAILURE OF DEBTOR(S) TO FUND PLAN**

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The Trustee in this case states that the debtor is in material default with respect to the terms of the plan as confirmed by this Court in that the payments by or for the debtor to the Trustee have not been made as proposed.

The confirmed plan required the debtor(s) to pay the Trustee as follows:

**\$148.75 WEEKLY**

The records of the Trustee show receipts from the debtor(s) in the past three months as follows:

[02/11/2015                      400.00] [03/03/2015                      200.00]

Wherefore the Trustee moves that the subject case be dismissed pursuant to 11 U.S.C. 1307(c)(6).

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
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**CERTIFICATE OF SERVICE**

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I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service, postage prepaid on DORETHA SHANTAE MCCLAIN, 602 East 7Th Street, Columbia, TN 38401 and JAMES FLEXER, 1900 Church Street Suite 400, Nashville, TN 37203-7203; and by email by Electronic Case Noticing to Ms Beth R Derrick, Assistant US Trustee, and JAMES FLEXER, Debtor's counsel on this 1st day of May, 2015.

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
Chapter 13 Trustee

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**ORDER DISMISSING CHAPTER 13 PETITION  
FOR NON-COMPLIANCE**

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Pursuant to the Chapter 13 petition and plan filed with this court, the debtor (s) was ordered to pay the Chapter 13 Trustee a specified portion of the future income through a payroll deduction or by a direct payment . There being no response to the Trustee's motion within the time prescribed by Local Rule 9013-1 (a), the Trustee's motion is uncontested. It is therefore,

Ordered that the Chapter 13 petition is dismissed for failure of the debtor to abide by the orders of this court; It is further,

Ordered that in the event the Trustee has not received funds sufficient to pay the required filing fee, and if that fee has not otherwise been paid, the debtor shall immediately transmit the amount to the clerk of the Bankruptcy Court . In no event shall the debtor fail to make this payment later than thirty (30) days from the date of this order .

APPROVED:

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
pleadings@ch13nsh.com

THIS ORDER WAS SIGNED AND ENTERED  
ELECTRONICALLY AS INDICATED AT THE  
TOP OF THE FIRST PAGE.